

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLIFFORD JAMES METEER,

Defendant.

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No. 3:22-CR-67-TAV-DCP

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant Clifford Meteer's Unopposed Motion to Continue Motion Deadline, Plea Deadline and Trial Date [Doc. 15], filed on November 21, 2022.

In the motion, Defendant asks the Court to continue the January 31, 2023 trial date and all associated deadlines. Counsel for Defendant states that Defendant Meteer made his Initial Appearance on July 29, 2022, and was released on bond that same day. Counsel further states he has received both initial and supplemental discovery from the Government, which is voluminous and relates to Defendant's previous prosecution out of Washington D.C. Counsel relates that he expects pretrial motions will be filed, and that additional time is needed to allow for research and investigation as it relates to these motions. Counsel also states he needs additional time to review prospective sentencing guidelines with Defendant and negotiate a possible resolution of this case with the Government—which would eliminate the need for pretrial motions or trial. Counsel avers that he does not believe he can adequately prepare for trial or effectively represent Defendant Meteer within the time constraints of the currently-scheduled trial. He also represents that the request is not being made for the purposes of delay. Finally, counsel states that he has spoken with both Defendant

Meteer, who understands that the period of time between the filing of the motion and a rescheduled trial date would be fully excludable for speedy trial purposes, and Assistant United States Attorney Cynthia Davidson, who does not oppose the continuance.

Based upon the information provided by Defendant in his motion, the Court finds the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, the Court concludes that failing to grant a continuance would both result in a miscarriage of justice and deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Counsel needs additional time to review the voluminous discovery, advise his client, prepare any pretrial motions that may be necessary, and negotiate a possible resolution of this case with the Government, all of which cannot be done by the January 31, 2023 trial date. The Court therefore **GRANTS** Defendant Meteer’s Unopposed Motion to Continue Motion Deadline, Plea Deadline and Trial Date [**Doc. 15**]. The trial of this case is reset to **June 27, 2023**. A new, comprehensive, trial schedule is included below.

Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial, all of the time between the filing of the motion on November 21, 2022, and the new trial date of June 27, 2023, is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), -(h)(7)(A)–(B).

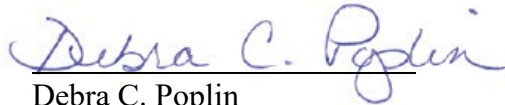
Accordingly, it is **ORDERED** as follows:

- (1) Defendant Clifford Meteer’s Unopposed Motion to Continue Motion Deadline, Plea Deadline and Trial Date [**Doc. 15**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **June 27, 2023, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;

- (3) All time between the filing of the motion on **November 21, 2022**, and the new trial date of **June 27, 2023**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The new deadline for filing pretrial motions is extended to **January 30, 2023**. Responses to motions are due on or before **February 13, 2023**. **Any necessary hearing on pretrial motions** will be set at a later date;
- (5) The deadline for filing a plea agreement in the record and providing reciprocal discovery is **May 26, 2023**;
- (6) The deadline for filing motions *in limine* is **June 5, 2023**;
- (7) The parties are to appear before the undersigned for a final pretrial conference on **June 6, 2023, at 10:00 a.m.**; and
- (8) Requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **June 16, 2023**.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
United States Magistrate Judge